

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of Minnesota

Division

RECEIVED

JUL 27 2021

CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

David M Arth

Case No.

21-cv-1709 NEB/TNL

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Ramsey County Sheriff Jack Serier & Staff
Minnesota Department Of Corrections
Commissioner Paul Schnell & Staff

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

SCANNED

JUL 27 2021

U.S. DISTRICT COURT ST. PAUL

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	David M Arth		
Address	1266 Clarence St		
	St. Paul	MN	55106
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Ramsey		
Telephone Number	612-501-0733		
E-Mail Address	Transportme 246@outlook.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Sheriff Jack Serier & Staff		
Job or Title (if known)	Sheriff And Staff		
Address	425 Grove St.		
	St. Paul	MN	55101
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Ramsey		
Telephone Number	651-266-9333		
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Paul Schnell & Staff		
Job or Title (if known)	Commissione & Staff		
Address	1450 Energy Park Dr. Ste 200		
	St. Paul	MN	55108
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Ramsey		
Telephone Number	651-361-7200		
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

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Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th amendment to the constitution

8th amendment to the constitution cruel and unusual punishment

Fourteenth Amendment False Imprisonment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- on February 17 2017 the Ramsey County Sherif Deputies put me on a bus for St. Cloud State Prison. Knowing or should have known that I had compleated all of my prison sentence as of Oct of 2016. As Ransey Co. Sherif He failed to supervise and train his staff on holding individuals after expired sentence.
- On the afternoon of February 17 I arived at St Cloud Prison. I agin said that I had served all of my time

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
- Ramsey County Court house
15 West Kellogg Blvd.
St. Paul MN
Ramsey Co MN 55102

~~Ramsey Co. jail~~

- B. What date and approximate time did the events giving rise to your claim(s) occur?
- February 17th 2017 Approximatly 11: Am

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
- In January 2016 I was sentenced to a total of 25 months in prison . Do too a withdrawal of my guilty plea I accumulated most of the 25 months . I got a stayed of the ballance of my sentence in lieu of probation. In August of 2016 I was incarcerated for a probation violation . I I contested I contested my probation violation . By the time of the next hearing after I have served complete 25 months in jail credits. In October of 2016 I had served all 25 months of my sentence . The judge was fully aware of this as it is shown in the transcript of the hearing in October . (See attachment B:)
- In February of 2017 I found out I had another probation violation . I turn myself in I had a hearing on February 17th . During that hearing the judge Executed my sentence . The sheriffs deputies sheriff deputies put me on a DOC bus for Saint cloud prison . it was the responsibility of Ramsey County deputies and the DOC to calculate the remainder of my sentence . Since the judge knew the DOC and the Sheriff's Department should have known that I had no time left to serve I should have never been put on a bus for Saint cloud state prison . I remained in prison until October of 2017 .

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

At this time I was suffering from a severe heart attack . I was unable to get the proper rehabilitation therapy . When I was in Saint cloud prison I began passing blood with my urine . The medical staff there ignored it . I was then sent to faribolt prison . I informed them of my medical problems and they did their best to ignore them . At one point I was passing more blood then you're urin when I relieved myself . The doctors claimed that was normal . Due to my limited hearing I was always being bullied harassed and threatened by some of the COs . I ended up in solitary confinement . since then I've been since then I've been taking antidepressants to help leave my severe depression .

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

The the relief I am seeking is the reversal of all punitive actions taken against me by the state of Minnesota including but not limited to being classified as a level two sex offender (especially when I'm not even charged with a sex crime). I immediately released from ISR supervision . Compensation for the time that I spent in prison and intense supervision since February 2017 untel I am present. Training for the sheriff his deputies the commissioner of the DOC and his staff in how to correctly compute the expiration date of sentences and make sure they release people and do not re incarcerate people to just satisfy their own sadistic tendencies .

VI. Certification and Closing

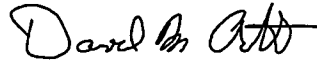
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/26/2021

Signature of Plaintiff



Printed Name of Plaintiff

David M Arth

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address